

May 8, 2001

MEMORANDUM TO: Richard J. Barrett, Acting Director
Future Licensing Organization
Office of Nuclear Reactor Regulation

FROM: Thomas J. Kenyon, Senior Project Manager */RA/*
Future Licensing Organization
Office of Nuclear Reactor Regulation

SUBJECT: SUMMARY OF MEETING WITH THE NUCLEAR ENERGY
INSTITUTE (NEI) TO DISCUSS EARLY SITE PERMIT (ESP)
EFFORTS

On March 29, 2001, representatives of NEI met with the U. S. Nuclear Regulatory Commission (NRC) to discuss upcoming efforts planned by the nuclear industry to prepare for submission of ESP applications. Attachment 1 is a listing of the meeting attendees.

The NRC opened the meeting with a brief description of the newly-established Future Licensing Organization (FLO), which has the responsibility to interact with nuclear industry stakeholders on certain matters concerning future licensing applications. The staff indicated that it had identified a group of experienced NRC staff to assess activities necessary to prepare for ESP applications (including pre-application inspections).

Then NEI discussed the establishment of its ESP Task Force, whose responsibility is to initiate activities they believe are necessary to assist those preparing to submit ESP applications. Attachment 2 is an organizational chart showing the portion of the NEI organization responsible for these and related activities. Among the initiatives the NEI ESP Task Force is undertaking are:

Updating the Site Selection Criteria Document

NEI is updating the industry's Site Selection Criteria Document that was developed in the 1990s that will assist utilities in screening sites for future applications. The revised document is expected to be available to NEI members by June 2001. No staff interaction is anticipated for this document.

ESP Application Preparation Guidance Development

NEI is developing an ESP Application Preparation Guidance Document to provide guidance to a potential applicant to assist in the preparation of an ESP application. The guidance would include a spectrum of siting scenarios, and provide guidance on the format and matters required to be addressed to comply with Subpart A to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 52, "Early Site Permits." NEI expected the first draft of the document to be available in August 2001, and proposed to work with the staff with the goal of being able to finalize it by the end of the year. NEI believed that significant interaction would be required to develop this guidance.

The staff indicated that a significant amount of guidance in this area was already available in the public domain in the form of Regulatory Guides, the Environmental Standard Review Plan, and other documents, and that it was not aware of any need for additional guidance. However, it is possible that some of the existing guidance may need to be updated. The staff recommended that NEI first consider developing a “roadmap” for a potential applicant, and using that mechanism, determine whether any new or updated existing guidance is needed.

Gap Analysis of Existing ESP Documents

NEI stated that they were planning to update an analysis of the gap in requirements addressed in existing ESP documents and those current requirements that are not reflected in these documents, but that no endorsement would be requested of the staff. The staff asked if the revised analysis would be shared with the NRC, and NEI indicated that they would consider that request.

Scope and Schedule Document

NEI stated that it was using the same 585 day review period that is being used on license renewal reviews for an initial estimate for the amount of time they believe it should take to review an ESP application. The staff indicated that FLO was performing an assessment of the amount of time it would take to review an ESP, and that the results of the assessment will be released publicly when it is complete.

ESP Demonstration

NEI stated that 3 - 4 utilities are involved in an ESP demonstration project. NEI stated that it was preparing to update a NUMARC database that contained all of the related regulatory requirements current in 1993.

Communications Plan

NEI stated that it planned to work with its NRC counterparts to ensure that their approach to these efforts was appropriate. NEI was requested to identify any unique problems to the staff as soon as possible.

Potential Rule Changes

NEI discussed some of the issues that they have identified with ESPs, including:

1. How to address an ESP submitted on a previously approved site with and without an existing plant(s). NEI proposed that the staff only look at significant differences or incremental changes between the site when it was first approved and the application date for the ESP. NEI acknowledged that there may be changes to the regulations that would be required through rulemaking to support this approach.
2. NEI believes that Subpart A to 10 CFR Part 52 could be modified to use an envelope review approach that could be applicable to certain sites.

3. NEI believes that requirements to evaluate alternate sites should be excised from Subpart A of 10 CFR Part 52. The staff suggested NEI review the April 9, 1991, staff requirements memorandum on SECY-91-041 for the Commission's guidance in this matter.
4. NEI believes that 10 CFR 50.80 should be clarified regarding the transfer of ESPs.

Closing

The staff then described the status of activities that it was undertaking, including the rulemaking efforts for 10 CFR Part 52, alternative siting, and Tables S-3 and S-4 of 10 CFR Part 51

In closing, the staff stated that it would consider NEI's proposals, and discuss them among the various NRC offices. It noted, however, that there was already guidance available to assist the industry in assembling an ESP application, and to assist the staff in reviewing an ESP application should such an application be submitted.

In addition, the staff noted that in order to ensure appropriate resources are allocated in the NRC budget to review the NEI guidance documents or other efforts proposed during the meeting, NEI should send in a letter proposing their review requests. Further, the staff expressed the need to be updated on NEI's schedules for these tasks and other future plant initiatives.

Attachments: As stated (2)

cc w/atts: See next page

3. NEI believes that requirements to evaluate alternate sites should be excised from Subpart A of 10 CFR Part 52. The staff suggested NEI review the April 9, 1991, staff requirements memorandum on SECY-91-041 for the Commission's guidance in this matter.
4. NEI believes that 10 CFR 50.80 should be clarified regarding the transfer of ESPs.

Closing

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ACCESSION NUMBER:

OFFICE	FLO/PM	FLO/SC	FLO/D
NAME	TKenyon	MGamberoni	RBarrett
DATE	5/2/2001	5/7/2001	5/7/2001

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Nuclear Energy Institute

cc:

Mr. James P. Riccio
Public Citizen's Critical Mass Energy Project
211 Pennsylvania Avenue, SE
Washington, DC 20003

Mr. David Lochbaum
Union of Concerned Scientists
1707 H Street, NW
Suite 600
Washington, DC 20006-3919

Mr. Paul Gunter
Director of the Reactor Watchdog Project
Nuclear Information & Resource Service
1424 16th Street, NW, Suite 404
Washington, DC 20036

Mr. Ron Simard
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Mr. Thomas P. Miller
U.S. Department of Energy
Headquarters - Germantown
19901 Germantown Road
Germantown, MD 20874-1290

Mr. Doug Walters
Nuclear Energy Institute
Suite 400
1776 I Street, NW
Washington, DC 20006-3708

Meeting Attendees
Meeting with NEI on ESP Efforts
March 29, 2001

<u>Name</u>	<u>Affiliation</u>	<u>Telephone #</u>	<u>NRC MS</u>
Thomas Kenyon	NRC/NRR/FLO	(301) 415-1120	O-11 F1
Jerry Wilson	NRC/NRR/FLO	(301) 415-3145	O-12 G15
Marsha Gamberoni	NRC/NRR/FLO	(301) 415-1193	
Nanette Gilles	NRC/NRR/FLO	(301) 415-1180	O-12 H4
Alan Rae	NRC/NRR/FLO	(301) 415-1102	O-12 E15
William Beckner	NRC/NRR/RGEB	(301) 415-1161	O-11 E2
Barry Zalcman	NRC/NRR/RGEB	(301) 415-2419	O-11 F1
Jim Wilson	NRC/NRR/RGEB	(301) 415-1108	O-11 F1
Donald Cleary	NRC/NRR/RGEB	(301) 415-3903	O-11 E2
Kim Leigh	NRC/NRR/RGEB	(301) 415-2678	O-11 F1
Jim Lyons	NRC/ACRS	(301) 415-7371	T-2 E26
Gene Imbro	NRC/NRR/EMEB	(301) 415-3288	
Goutam Bagchi	NRC/NRR/DE	(301) 415-3305	
David Terao	NRC/NRR/EMEB	(301) 415-3317	O-9 D3
Robert Rothman	NRC/NRR/EMEB	(301) 415-3306	O-9 D3
Stuart Rubin	NRC/RES/DSARE	(301) 415-7480	
Catherine Marco	NRC/OGC	(301) 415-3052	O-15 B21
Joe Shea	NRC/OEDO	(301) 415-1727	O-16 E15
Marty Martinez	Jupiter/DOE,NE-20	(301) 946-8088	
Russ Bell	NEI	(202) 739-8087	
Robert Bishop	NEI	(202) 739-8139	
Doug Walters	NEI	(202) 739-8093	
Mitch Singer	NEI	(202) 739-8009	
Lynnette Hendricks	NEI	(202) 739-8109	
John Giddens	Southern Nuclear	(205) 992-7924	
Joe Hegner	Dominion	(804) 273-2770	
Herb Fontecilla	Dominion	(703) 838-2314	
Kenneth Hughey	Entergy Nuclear	(601) 368-5327	
Ed Wallace	Exelon	(610) 765-5721	
Paige Negus	GE	(202) 637-4142	
Gary Vine	EPRI	(202) 293-6347	
Bob McCallum	McCallum-Turner	(301) 916-6938	
Paul Bessette	Morgan-Lewis	(202) 467-7796	
Brooke Poole	Winston & Strawn	(202) 371-5824	
Deann Raleigh	Sciencetech	(301) 258-2551	
Nancy Chapman	SERCH/Bechtel	(301) 228-6025	
Jim Riccio	Public Citizen	(202) 546-4996	
Paul Gunter	NIRS	(202) 328-0002	